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IN THE HIGH COURT OF JUDICATURE:CHHATTISGARH:BILASPUR

Writ Petition No. 1658 /2002

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

PETITIONERS : 1. Sukh Sagar,
S/o Nathan Sathami,
aged about 42 years,

2. Noni Bai,
W/o Sukh Sagar,
aged about 35 years,

: Both R/O Village: Kotmisonar,
Police Station : Akaltara,
Tahsil : Janjgir,
Distt. : Janjgir-Champa
(Chhattisgarh).

P.R. No. 1658/02
Presented by Shri M.K. Shah
dated 12-6-02

Versus

RESPONDENTS : 1. The State of Chhattisgarh,
through, Secretary,
Home Department, Secretariate,
Govt.of Chhattisgarh,
DK Bhawan, Raipur(Chhattisgarh).

2. The Inspector General of Police,
Bilaspur (Chhattisgarh).

3. The Superintendent of Police,
Bilaspur (Chhattisgarh).

4. The Station House Officer,
Police Station: Akaltara,
Tahsil : Janjgir,
Distt. : Janjgir-Champa
(Chhattisgarh).

शपथ आयुक्त,
10/6/02
एस.आर.कोरिया
बिलासपुर

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS AND OR DIRECTIONS TO THE RESPONDENTS.

The petitioners above named respectfully submit as under:-

11/6/02

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CLERK TO A.G. BILASPUR

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 1658/02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.9.2005

Shri M.K. Sinha, counsel for the petitioner.

Shri Yashwant Singh Thakur, Govt. Adv. for the State.

Heard.

The petitioner has preferred this writ petition under Article 226 of the Constitution of India for directing the respondents to register the offence under Section 306 of the Indian Penal Code against the personwho abetted the deceased to commit suicide.

Brief facts leading to filing of this petition are that the petitioner's daughter namely Kumari Sani @ Shashi Bai, aged about 16 years committed suicide on 9.1.2002 by consuming poison at her residence. The case of the petitioner is that his daughter Sani @ Shashi Bai was in love with one Brijeshwar, son of Mahant Ram, she was sexually exploited by him and when he refused to marry with Sani @ Shashi Bai, she committed suicide. Further case of the petitioner is that police authorities are not registering the case inspite of report to the police authorities and also to the Inspector General of Police, Bilaspur.

Return has been filed on behalf of the respondents in which it has been mentioned that it is incorrect to say that the report was not taken on record rather enquiry was conducted into the circumstances under which Sani @ Shashi Bai committed the suicide. Inquest report was prepared, postmortem was conducted and on the date when the postmortem was conducted i.e. on 10.01.2002 no complaint was lodged by

SP/FS/2005 - 20,000

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the petitioner against the said Brijeshwar. Even on that date statements of Dhaniram, Korbehra & Ganeshram were recorded. One suicidal note Annexure R-2 was also taken into possession and in that suicidal note there was no mention about the harassment or exploitation or any act of abetment made by said Brijeshwar, therefore, Sani @ Shashi Bai committed suicide. The suicide was on account of failure of love affair with said Brijeshwar.

I have heard learned counsel for the parties and perused the statements recorded by the police during investigation, inquest report suicidal note and letters written by said Sani @ Shashi Bai.

The report was submitted before the Sub Divisional Magistrate, Janjgir, which was accepted vide order dated 4.2.2003.

In view of the above facts, I am of the opinion that the petitioner has not been able to make out a case for exercising extra-ordinary jurisdiction by this Court. As such, the petition is liable to be dismissed and it is accordingly dismissed.

However, the petitioner, if so advised, is at liberty to take such action as is available to him under the Code of Criminal Procedure and if any complaint is filed in that case any observation made hereinabove shall not be construed & binding and concerned Court will be at liberty to decide the same on its own merit in accordance with law.

Sdl-
L.C.BHADOO
Judge

Roshan

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